

Message Text

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ACTION EUR-12

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INFO SECSTATE WASHDC 6578
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E.O. 11652: N/A
TAGS: WB, AKB
SUBJECT: BERLIN HOUSE DEBATES HUEBNER-CASE

REF: (A) USBERLIN 0788, (B) USBERLIN 0730

SUMMARY: "DEBATE" OVER HUEBNER CASE CONSISTED OF FOUR BRIEF STATEMENTS BY REPRESENTATIVES OF THREE POLITICAL PARTIES AND GOVERNING MAYOR, ALL OF WHOM AGREED THAT HUEBNER HAD ACTED BRAVELY AND IN THE SPIRIT OF IDEALISM AND THAT THE GDR HAD VIOLATED HUEBNER'S HUMAN RIGHTS IN ADDITION TO THE DEMILITARIZED STATUS OF BERLIN. WITH THE EXCEPTION OF CDU SPOKESMAN LUMMER, WHO CALLED FOR UNSPECIFIED ACTIONS TO SUPPORT HUEBNER, ALL SPEAKERS EXPLICITLY RECOGNIZED THAT THE WALL SET PRACTICAL LIMIT ON ACTIONS WHICH COULD BE TAKEN ON HUEBNER'S BEHALF.

END SUMMARY

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1. THE CASE OF NICO HUEBNER (REFTELS) WAS "DEBATED" FOR ONE HALF HOUR AT THE OUTSET OF THE APRIL 6 MEETING OF THE BERLIN HOUSE OF REPRESENTATIVES. STATEMENTS BY REPRESENTATIVES OF THREE BERLIN POLITICAL PARTIES AND GOVERNING MAYOR DID NOT HAVE CHARACTER OF DEBATE, HOWEVER. RATHER, THEY REPRESENTED A COMMON EXPRESSION OF CONCERN AND ANGUISH OVER THE ARREST OF HUEBNER AND THE INABILITY

TO TAKE PRACTICAL ACTION ON HIS BEHALF.

2. OPENING STATEMENT BY CDU CAUCUS LEADER HEINRICH LUMMER FOCUSED ON FACT THAT HUEBNER HAD GIVEN ACTION TO OFT REPEATED WORDS OF WEST BERLIN POLITICIANS THAT ALL OF BERLIN HAS THE SAME STATUS AND THAT ITS DEMILITARIZED CHARACTER APPLIES IN ALL SECTORS. LUMMER PRAISED HUEBNER'S COURAGE IN STANDING UP TO THE EAST BERLIN REGIME EVEN THOUGH, AS LUMMER SAID, HE MUST HAVE KNOWN IN ADVANCE THAT HE WAS ESSENTIALLY POWERLESS TO IMPLEMENT HIS WILL. LUMMER ARGUED HOWEVER, THAT BY INSISTING ON HIS LEGAL RIGHTS, HUEBNER CAUSED THE EAST BERLIN REGIME TO EXPOSE TO THE WORLD ITS OWN VIOLATIONS OF ITS OWN CONSTITUTION AND INTERNATIONAL LAW AS WELL. THROUGH HIS ACT, HUEBNER LIKE PASTOR BRUESEWITZ BEFORE HIM, SHOWED THE BANKRUPTCY OF THE EAST GERMAN REGIME EVEN AT THE SACRIFICE OF HIS OWN FREEDOM. LUMMER CONCLUDED HIS STATEMENT BY CALLING UPON HIS COLLEAGUES TO DO ALL IN THEIR POWER TO HELP HUEBNER MAINTAIN HIS RIGHTS.

3. SPEAKING FOR THE SPD, PARTY CHAIRMAN GERD LOEFFLER COMMENTED THAT IT WAS SELDOM THE CASE THAT ALL THREE PARTIES IN THE HOUSE SHARED SO FULLY A COMMON POINT OF VIEW ON A PARTICULAR SUBJECT WITHOUT THE BENEFIT OF PRIOR DISCUSSIONS. HE AGREED WITH LUMMER THAT HUEBNER LIMITED OFFICIAL USE

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HAD ACTED COURAGEOUSLY AND EXPRESSED NEED TO PRESERVE NOT ONLY HUEBNER'S PERSONAL HUMAN RIGHTS BUT ALSO THE STATUS OF THE CITY OF BERLIN AS A WHOLE. LOEFFLER AGREED THAT HUEBNER SHOULD BE RELEASED FROM JAIL -- ANY OTHER ACTION COULD ONLY BE VIEWED AS A VIOLATION OF HUEBNER'S HUMAN RIGHTS. AT THE SAME TIME, HOWEVER, LOEFFLER SOBERLY POINTED OUT THAT IT IS NECESSARY TO ACCEPT THE BITTER FACT THAT THE WESTERN ALLIES AND THE WEST BERLIN AUTHORITIES CANNOT EXERCISE POWER BEYOND THE WALL, ON THE OTHER SIDE OF WHICH THE "GERMAN COMMUNISTS" ARE IN A POSITION "TO EXERCISE THEIR BRUTAL POWER" AS THEY SEE FIT.

4. SPEAKING FOR THE FDP, FORMER SENATOR HERMANN OXFORD DREW AN INTERESTING COMPARISON BETWEEN THE APPLICATION OF ALLIED LAW 43 IN THE WESTERN SECTORS OF BERLIN WHERE THE ALLIES HAVE REFUSED AS A MATTER OF PRINCIPLE TO PERMIT THE ARMING OF POTENTIALLY ENDANGERED OFFICIALS, WHILE IN THE EAST, HUEBNER, WHO SOUGHT TO STAND UPON HIS RIGHTS UNDER THE LAW, WAS ARRESTED AND PUT IN JAIL. OXFORD CONCLUDED HIS STATEMENT BY JOINING IN THE GENERAL

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C O R R E C T E D C O P Y (FM USBERLIN VICE BERLIN)

PRAISE OF HUEBNER'S COURAGE IN STANDING UP FOR HIS RIGHTS
AND FOR IMMORTALIZING HIMSELF IN A CERTAIN SENSE BY
SACRIFICING HIMSELF FOR WHAT HE BELIEVES IS RIGHT.

5. THE BRIEF PARLIAMENTARY DISCUSSION OF THE ISSUE
WAS CONCLUDED BY THE GOVERNING MAYOR DIEDRICH STOBBE WHO IN CONTRAST
TO THE OTHER 3 SPEAKERS MADE A FACTUAL - ALMOST DRY -
PRESENTATION. STOBBE CHARGED THE EAST BERLIN GOVERNMENT
WITH HAVING VIOLATED THE DEMILITARIZED STATUS OF BERLIN
YET ANOTHER TIME. HE COMMENTED THAT THE DEMILITARIZED
STATUS OF THE CITY, BASED ON ALLIED LAW NO. 43, REMAINS
IN EFFECT AND THAT THE THREE WESTERN POWERS HAVE FAITH-
FULLY APPLIED ITS PRINCIPLES IN THE THREE WESTERN
SECTORS. IN THAT CONNECTION, STOBBE NOTED, THE ALLIES
PROTESTED ON FEBRUARY 10, 1962 AGAINST THE EXTENSION
OF THE GDR DRAFT LAW TO THE EASTERN SECTOR OF BERLIN.
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STOBBE OBSERVED THAT SUBSEQUENTLY THE ALLIES HAVE ON A REGULAR BASIS PROTESTED AGAINST MILITARY PARADES IN THE EASTERN SECTOR. HE SAID THE SENAT RECOGNIZED THAT "YOUNG BERLINERS IN THE EASTERN SECTOR OF THE CITY ARE FORCED TO ACCEPT GDR MILITARY SERVICE IN CONTRAVENTION TO INTERNATIONAL LAW". HE WENT ON, HOWEVER, TO OBSERVE THAT EVERYONE KNOWS HOW THE HISTORY OF BERLIN HAS DEVELOPED AND RECOGNIZES " FROM BITTER EXPERIENCE THAT OUR POWER ENDS AT THE WALL". IT IS NECESSARY TO FACE THE WORLD OF REALITY STOBBE CONCLUDED, AND RECOGNIZE THAT IT IS DIFFICULT IF NOT IMPOSSIBLE TO FORCE THE OTHER SIDE TO ACT CONTRARY TO ITS WILL. STOBBE PROMISED TO DO EVERYTHING POSSIBLE TO HELP IN THE CASE OF NICO HUEBNER. HE REFUSED, HOWEVER, TO AWAKEN ANY HOPES WHICH HE COULD NOT FULFILL. IN THE MEANTIME, HE NOTED, IT IS PROPER TO PROTECT THE LEGAL STATUS OF THE CITY AND CALL VIOLATIONS OF ITS STATUS BY NAME. HE CONCLUDED HIS PRESENTATION BY ARGUING THE NECESSITY OF CONTINUING TO PURSUE A POLICY WITH THE EAST WHICH SOFTENS THOSE HARD-LINE POLICIES WHICH DIVIDE BERLIN AND PEOPLE EVERYWHERE. THE HUEBNER CASE SHOWS HOW MUCH STILL HAS TO BE DONE IN THIS AREA.

6. COMMENT: THE HOUSE DEBATE OF THE HUEBNER CASE WAS A SOBERLY MOVING AFFAIR, AND RECEIVED EXTENSIVE NEWSPAPER AND BROADCAST COVERAGE. IT IS LIKELY, HOWEVER, THAT THE DEBATE WILL PUT AN END TO PUBLIC DISCUSSION OF THE CASE UNLESS SOME SIGNIFICAT NEW EVENT CAUSES IT TO BE BROUGHT BACK INTO THE PUBLIC EYE. END COMMENT. GEORGE

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